

Supreme Court, U. S.  
FILED

AUG 29 1973

IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1973

PAUL S. RODAK, JR., CLERK

No. 72-1052

ROGERS C.B. MORTON, SECRETARY  
OF THE INTERIOR,  
PETITIONER

v.

RAMON RUIZ AND ANITA RUIZ,  
RESPONDENTS.

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ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT

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MOTION FOR LEAVE TO PRESENT ORAL ARGUMENT

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Lee J. Sclar  
Bruce R. Greene  
Herbert A. Becker  
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Amicus Curiae In  
Support of Respondents



To The Honorable Supreme Court Of The  
United States:

Pursuant to Rule 44(7) California  
Indian Legal Services (CILS), Amicus  
Curiae, hereby respectfully moves this  
Court for an order granting CILS fifteen  
minutes of oral argument in addition to  
the time allowed Respondents. Granting  
this motion would provide assistance  
otherwise unavailable to the Court.

The CILS brief discusses a number  
of issues besides those examined by  
Respondents, and CILS would present oral  
argument on the supplementary points.  
Those points include the significance of  
House and Senate rules to the appropria-  
tion process, the possibility that Con-  
gress (notwithstanding Ex Parte Endo,  
323 U.S. 283) ratified BIA practice by  
a lump sum appropriation, the absence of  
on-reservation restrictions in the appro-  
priations committees' reports, the basis  
for federal discrimination in favor of  
Indians as a factor in determining the  
constitutionality of discrimination  
against off-reservation Indians, and why  
affirming the court of appeals' decision  
would cost the states nothing, need not  
cost the federal government anything,  
and would entitle off-reservation  
Indians to share in only that portion

of BIA general assistance funds which exceeds what the BIA needs for paying reservation Indians the same amount of general assistance the states would pay those Indians if they lived off-reservation.

Another reason for granting this motion is the interest which CILS has in this case beyond the off-reservation residence in California of 85,000 Indians (a higher number than in any state except Oklahoma). CILS represents the plaintiffs in Croy v. Morton, Civil No. 5-2305, E.D. Cal. Those plaintiffs assert the right of off-reservation, rural, California Indians to share in the BIA's housing improvement program. Housing improvement, like general assistance, is part of the BIA welfare program funded under 25 U.S.C. §13.

The district court has suspended all proceedings in Croy, which was filed December 22, 1971, pending the disposition of this case. Unless CILS can participate in this oral argument, the Croy plaintiffs will be denied a full voice in a case which will affect and may determine their rights to housing improvement benefits. If the Court were to reverse, even on very narrow grounds involving the history of the general assistance program, it would never-

theless have enunciated a method for interpreting the Snyder and appropriation acts and would have obliterated the Croy plaintiffs' constitutional claims. CILS, counsel for the Croy plaintiffs, should therefore be granted leave to present oral argument.

Respondents are understandably unwilling to yield CILS part of their half hour oral argument, but Respondents have no objection to this motion. (See the letter of July 13, 1973, previously filed with this Court, from Lindsey Brew to Lee J. Sclar.)

Dated: August 20, 1973

Respectfully submitted,  
Lee J. Sclar  
Bruce R. Greene  
Herbert A. Becker  
California Indian Legal  
Services

By: \_\_\_\_\_  
Lee J. Sclar